

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SULY COLON-SANCHEZ,

Plaintiff,

vs.

5:14-CV-705 (TJM/DEP)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Thomas J. McAvoy,
United States District Judge

DECISION & ORDER

This action, brought pursuant to § 205(g) of the Social Security Act (“Act”), as amended, 42 U.S.C. § 405(g), seeks review of a final decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s application for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) benefits. The action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated January 25, 2016, proceeded as if both parties had accompanied their briefs with a motion for judgment on the pleadings as established by Northern District of New York General Order No. 8. After reviewing the record and the parties’ arguments, Magistrate Judge Peebles found that substantial

evidence supported the Commissioner's decision and recommended that the Court grant the Commissioner's motion for judgment on the pleadings.

The Plaintiff filed timely objections to the Report-Recommendation. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff's objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the Report-Recommendation.

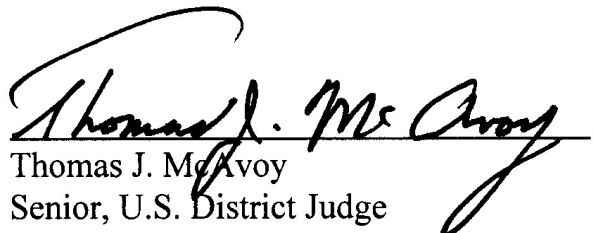
It is therefore

ORDERED that the Plaintiff's objections to the Report-Recommendation of Magistrate Judge Peebles, dkt. # 19, are hereby OVERRULED. The Report-Recommendation, dkt. # 18, is hereby ADOPTED, and:

1. The Defendant's motion for judgment on the pleadings is hereby GRANTED;
2. The Commissioner's determination is hereby AFFIRMED; and
3. The Plaintiff's Complaint is hereby DISMISSED.

IT IS SO ORDERED.

Dated: February 17, 2016


Thomas J. McAvoy
Senior, U.S. District Judge